

Excerpt of Senate Floor Proceedings on Budget Appropriations
Sunday, March 24, 2013

*transcribed by Elena Sassower on March 25, 2013
to assist Senator Krueger & other Senators
in "Standing up for Legislative Law 54 & 'Process'"*

Senator Valesky: Senate will come to order. I ask everyone present to please rise and recite with me the Pledge of Allegiance: I pledge allegiance, to the flag, of the United States of America, and to the republic, for which it stands, one nation, under G-d, indivisible, with liberty and justice for all. In the absence of clergy, may we bow our heads in a moment of silence.

...

Senator Libous: Mr. President, at this time there'll be an immediate meeting of the Finance Committee in Room 332, an immediate meeting of the Finance Committee in Room 332. In the time being, we will stand at ease.

Senator Valesky: Senate Finance Committee meets at this moment in Room 332. The Senate will stand at ease.

...

Senator Libous: Please return to reports of standing committees. I believe there is a report of the Finance Committee at the desk.

Senator Valesky: Reports of standing committees. The Secretary will read.

Secretary: Senator DeFrancisco from the Committee on Finance reports the following bills: Senate print 2603-E Senate budget bill; Senate 2605-D. Senate budget bill. And Senate 2608-D Senate budget bill. All bills reported direct to the third reading.

Senator Valesky: Senator Libous.

Senator Libous: Mr. President, I move that we accept the report of the finance committee

Senator Valesky: All in favor of accepting the report of the finance committee signify by saying aye. All opposed, nay. The report of the finance committee is adopted. Senator Libous.

Senator Libous: If we could just wait until everything is distributed to all the members. We wouldn't want to start before all the members have what they need in front of them in place. [00:02:45 -00:05-15]

....

Secretary: An act making appropriations...

Senator Valesky: Senator Krueger, why do you rise?

Senator Krueger: I rise with a point of order. My understanding is that Section 54 a of the Legislative Law calls for

the procedure by which the Legislature addresses issues of public transparency and accountability by providing a conference committee report to be on the desk of each member of the Legislature prior to taking up appropriation and language bills. Is there a copy of that report available to us?

Senator Valesky: Senator DeFrancisco, why do you rise?

Senator DeFrancisco: I'd just like to answer the question. The answer is no.

Senator Krueger: Mr. President, the law requires it to be on our desk. I have it here from 2007-8, 2008-9, 2009-10, 2012-13. I'm quite sure that there was one in between, but I don't, couldn't find it today. So why would we be taking up bills if we don't have it on our desk since the law requires it?

Senator Valesky: Senator Krueger, all of the budget bills have not been introduced at this point in time and, as a result, your point of order is not well taken.

Senator Krueger: Through you Mr. President.

Senator Valesky: Senator Krueger.

Senator Krueger: Thank you. So is it your clarification that we will get this report, and if so, when.

Senator Valesky: I'm simply clarifying, as a fact, that all budget bills have not been introduced yet and, therefore, your point is not well taken.

Senator Krueger: Um.

Senator Valesky: Senator DeFrancisco, why do you rise?

Senator DeFrancisco: Yes. The answer to that question is yes. You will get them, we hope, we are trying our darndest to get all the rest of the budget bills printed by midnight tonight. Once the bills are printed and we've got the whole plan together, we will provide that same report. But, we are trying to jump start the process since there are three budget bills ready for people to discuss. Rather than having nine or ten budget bills at one time, we thought this would be the better way to get a reasonable debate on the bills and give everybody ample time.

Senator Valesky: Thank you, Senator DeFrancisco. The secretary will continue to read the non-controversial calendar.

...

Senator Libous: I believe we can now take up the controversial reading

Senator Valesky: Secretary will ring the bells.

Secretary: Senate budget bill 2604E – an act making appropriations.

Senator Valesky: Senator Krueger.

Senator Krueger: Thank you, Mr. President. Will the sponsor please yield?

Senator Valesky: Senator DeFrancisco, do you yield?

Senator DeFrancisco: Yes

Senator Krueger: Thank you. So this is an appropriations bill on capital. So going back to my earlier point that there should be a report, I believe, on the entire budget collection, but my colleague pointed out earlier in my point of order that we don't have all the bills so we can't do it on all of them. But, where is the materials that meet section 54a law on this specific capital bill, and that would be including conference committee details, um, excuse me, and specifics on the dollars and cents in this budget bill.

Senator DeFrancisco: This budget bill has been in print for at least three days, I think probably more than that, as are the other two bills that we are going to discuss today, which gave, gives everyone ample notice, as well as, not only members, but also the general public, to look at all, the entire list of things that this capital, that this particular capital projects budget bill, for example, is going to approve by the approval of this particular bill. The entire capital plan, excuse me, the entire plan will be released as soon as we've got the other budget bills in print.

Senator Krueger: Through you, Mr. President, if the sponsor will continue to yield.

Senator DeFrancisco: Yes.

Senator Krueger: Thank you. Just to read section 54 "Report on the budget":

‘Before voting upon an appropriation bill submitted by the governor and related legislation, as amended, in accordance with article seven of the constitution, each house shall place on the desks of its members a report relating to each such bill and, preceding final action on all such appropriation bills and legislation, members shall be so provided with a comprehensive, cumulative report relating to all such bills and legislation.

The reports prepared by each house shall include for the general fund a summary of proposed legislation revisions to the executive budget for the ensuing fiscal year, and shall separately identify and present all legislative additions, reestimates and other revisions that increase or decrease disbursements...

Senator Valesky: Senator Krueger, do you have a question for Senator DeFrancisco?

Senator Krueger: I do. I'm just reading from the law. Um, so, to continue the paragraph:

“and separately identify and present all legislative reestimates and other revisions that increase or decrease available resources. Such report” –

for each appropriation bill to be on our desks –

“shall, where practicable, display and separately identify and present all legislative additions, reestimates, and other revisions that increase or decrease state funds and all funds spending, including an estimate of the impact of the proposed revisions on local governments and the state workforce.”

So, yes, the sponsor answered, the bill has aged three days, but again my question is, under the law, we are supposed to have on our desks a report that lays out these specifications for this specific capital appropriations bill. I’m wondering where that report is.

Senator DeFrancisco: I had mentioned before we don’t have a complete report in view of the fact that we don’t have all the budget bills printed. However, I appreciate Senator Krueger’s reading that section of the law, ‘cause there were words in there that she said a little silently but it said “where practicable” and in this particular situation, I’d be happy to read it more loudly. It’s not practical, in view of the fact that we don’t have the rest of the budget bills. However, that summary is extremely important when we’re doing it like we used to do business with message of necessities, where no one really knew the plan or knew what these bills stood for, you couldn’t read it such short time. We’ve had plenty of time to do that. It is not ‘practicable’. We don’t want to waste the time we have here to do three of the many budget bills. So we do it in an orderly fashion. So that’s why we don’t have it. And, it’s not “practicable”, presently.

Senator Krueger: Through you, Mr. President, I don’t know that I’m on the bill, I’m on my point about that we should have a report on our desks. So, on the bill.

I don’t believe I was quieter on “practicable”, although I agree I have trouble saying that word also. But since we all know that we don’t have message of necessity, this bill has aged three days, and certainly in every other previous year since the law passed we were able to do this work prior to bringing the bills to the floor. I actually do think it was perfectly “practicable” for us to have the report on our desks that we should have on our desks. Um, I’m led to believe that despite the fact that we’re in violation of section 54 of the budget law, we are going to continue to take up this bill. So now I’m happy to open it up to other questions from the floor. Thank you, Mr. President.

Senator Valesky: Are there any other senators who wish to be heard. Seeing none the debate is closed. Secretary will ring the bells.
Read the last section

Secretary: This act shall take effect immediately. Call the roll.

...
00:20:00

Senator Parker: Thank you, Mr. President. To explain my vote. I’m voting no on this bill and probably on the entire budget. This has been, frankly, an atrocity. To have a process in which you have no afro-americans, no latinos, no women, no asians involved in the budget process. The third largest budget in the entire country, this is absolutely horrendous...

...

Senator Valesky: Announce the results.

Secretary: Ayes 60, Nays 2. Senators Espaillat and Parker recorded in the negative.

Senator Valesky: The bill is passed. Secretary will continue to read:

Secretary: ...Senate Print 2605-D, an act to authorize.

...

Senator Valesky:

00:30:58:

Senator Parker: Thank you, very much, Mr. President, on the bill. In a move that's probably going to surprise this chamber, I'm voting no on this bill, as well. Mr. President, I want to maintain, I guess mostly for emphasis, my problem with the process. We talk about, a lot of conversation about dysfunction in this body, and, you know, dysfunction in the legislature, dysfunction in Albany and, understand, that that dysfunction was a term that talked about the three men in a room. We now have four men in a room. And this is not, this is not, personal to who the four men are. It's just that if you have 150 people making, who represent, you know, 20 million people and you only have four of them making decisions and if anybody tries to raise the issue of those, those tables, which are just jive. I mean they are less than a billion dollars. You are talking about, you're going to vote in the next few days, Mr. President, on 142 point something billion dollars, right, and you put less than a billion at these, these little tables that we're doing. You know, it's, it's tricks. And, it is what it is and we're doing it for effect. But, you know, don't tell me that. Right? I mean the reality is that we have not been part of it. I don't know why I would vote on something in which my input has been, you know, not just been ignored, but essentially told no...

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Senator Valesky: The Secretary will ring the bells. Read the last section:

Secretary: The act will take effect immediately.

Senator Valesky: Call the roll.

...

Senator Valesky: Announce the results.

Secretary: Those recorded in the negative are Senators Espaillat, Gibson, and Parker. Ayes 59, Nays 3.

Senator Valesky: The bill is passed. Secretary will continue to read.

Secretary: An act to authorize.

00:45:45:

Senator Parker: ...Let me suggest, as I close, that we get together with the Assembly and take back our power on the budget. I know that a number of years ago that there was a lawsuit, you know, and we sued and lost and because of that we are now the most ineffective legislature in the entire country as relates to a

budget negotiation. We can actually take that back by deciding what is fair, coming up with a bill, passing it. Of course the governor won't sign it, but we can bring it here and override the Governor's veto and to take back our own power. Instead of having these tables, with what, 550 million dollars, which is less than a half of a percent of the budget that we are making decisions on. You know, we lost all our member items and capital funding, at least we did in the minority, or we didn't have any. Member items, and or, you know, the nice word, legislative initiative funds, it was less than 200 million dollars for the entire legislature and the governor has scooped that up and put that in his little economic development councils and have left our communities, particularly black and latino communities, bare, without an ability to decide where funding goes in our communities. And so what continues to get funding are large organizations and meanwhile community-based organizations that are doing a lot of the grassroots work that is really critical in districts like mine is not getting done. For all of these reasons, I vote no on this budget.

Senator Valesky: The debate is closed. The secretary will ring the bell. Read the last section.

Secretary: Section 3. This act will take effect immediately.

...

Senator Valesky: Announce the results

Secretary: Senators Espaillat and Parker. Ayes 60, Nays 2.